

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ALAN BRAHAMSHA, individually  
and on behalf of all others similarly  
situated,

*Plaintiff,*

v.

SUPERCELL OY, a Finnish limited  
company,

*Defendant.*

Case No. 3:16-cv-08440

Hon. Freda L. Wolfson

**DECLARATION OF  
BENJAMIN H. RICHMAN**

I, Benjamin H. Richman, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney admitted to practice *pro hac vice* before this Court. I am entering this declaration in support of Plaintiff's Motion for Remand to State Court. This declaration is based upon my personal knowledge, except where expressly noted otherwise. If called upon to testify as to the matters stated herein, I could and would competently do so.

2. I am Managing Partner of the Chicago office of Edelson PC, which has been retained to represent the named plaintiff in this matter, Alan Brahamsha.

3. On July 28, 2016, my firm filed a lawsuit on behalf of Mr. Brahamsha against Defendant Supercell Oy (“Supercell”) in the Superior Court of New Jersey, Monmouth Vicinage.

4. Supercell removed the case to this Court pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453 on November 11, 2016.

5. On December 2, 2016, Supercell filed its Motion to Dismiss, which alleges, in part, that Plaintiff has not alleged injury sufficient to meet Article III’s constitutional standing requirements.

6. On December 5, 2016, while the case was pending in this Court, I began corresponding via email with Jeffrey Greenbaum and Charles Falletta of Sills Cummis & Gross, P.C., and Jennifer Kelly of Fenwick & West LLP, counsel for Supercell, regarding Supercell’s pending motion to dismiss. During the exchange of emails and based on Supercell’s pending motion, I asked if they had any objection to Plaintiff seeking remand given Supercell’s position that Plaintiff Brahamsha lacks Article III standing. Mr. Greenbaum informed me that Supercell did not consent to remand and would oppose any such motion. I thereafter informed defense counsel that I believed a motion for remand should be decided before briefing on the motion to dismiss proceeds, explaining my concern that briefing on the motion to dismiss would lead to an unnecessary expenditure of time and other resources by all involved. During our exchange, I also informed defense

counsel that my firm would be seeking fees and costs in obtaining remand pursuant to 28 U.S.C. § 1447(c).

7. As a direct result of Supercell's removal of the case to this Court and subsequent filing of its motion to dismiss, I and other attorneys at my firm, Roger Perlstadt and Jacob Wright, as well as our law clerk, Michael Ovca, have collectively spent more than 24 hours on these issues, for a total amount of \$8,968.10 in attorney-time. The hours we have worked, as well as our years of experience and hourly rates, are summarized below:

<b>Name</b>	<b>Years Experience</b>	<b>Hours Worked</b>	<b>Hourly Rates</b>	<b>Total</b>
Richman, Benjamin (Managing Partner, Chicago Office)	7	6.10	\$525	\$3,202.50
Perlstadt, Roger (Partner)	13	1.74	\$600	\$1,044.00
Wright, Jacob (Associate)	3	10.25	\$335	\$3,433.75
Ovca, Michael (Law Clerk)	N/A	5.99	\$215	\$1,287.85
<b>Total</b>		<b>24.08</b>		<b>\$8,968.10</b>

8. In my opinion, this expenditure of time was reasonable. Each attorney involved made a conscious effort to avoid duplication of work. In fact, while other attorneys have incurred billable time as a result of this issue, their hours are not included in our calculation nor are we seeking reimbursement for their time spent on these issues. Additionally, because we represent Mr. Brahamsha on a

contingency basis and are not being paid by the hour in this matter, we have every incentive to conduct our efforts efficiently.

9. It is the firm policy of Edelson PC that each attorney is responsible for keeping track of his or her billable time by *at least* the tenth of the hour. Those billing records are centralized in a billing management software program known as “FreshBooks.” Attached as Exhibit A to this Declaration is a copy of the billing records generated by Freshbooks for the time my firm spent on this matter related to the removal of this case to federal court.

10. In addition to the work already performed, I expect that I and other attorneys at my firm will spend additional time on this matter as a result of Supercell’s removal of the case to federal court and subsequent filing of its motion to dismiss for lack of Article III standing, including, but not limited to, appearance in court on the Motion for Remand and possible additional briefing in this Court.

I declare under penalty of perjury that the above and foregoing is true and accurate. Executed on this 15th day of December 2016 at Chicago, Illinois.

s/ Benjamin H. Richman  
Benjamin H. Richman

# EXHIBIT A

**Estimated Billing by Team**

Edelson PC

Between January 01, 2016 and December 15, 2016

	<b>Client</b>	<b>Project</b>	<b>Task</b>	<b>Notes</b>	<b>Hours Billed</b>	<b>Estimated Billing</b>
<b>Ovca, Michael</b>						
12/07/16	Class Action Cases	Brahamsha v. Supercell OY	Legal Research	Researched 3rd Cir. case law regarding removal and associated fees.	2.89	\$621.35 USD
12/08/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Briefs/Pre-Trial Motions/Legal Research	Drafted and reviewed motion for remand.	3.10	\$666.50 USD
<b>Total</b>					<b>5.99</b>	<b>\$1,287.85 USD</b>
<b>Perlstadt, Roger</b>						
12/06/16	Class Action Cases	Brahamsha v. Supercell OY	Legal Research	Research re: moving to dismiss for lack of jurisdiction following remand	1.29	\$774.00 USD
12/08/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Briefs/Pre-Trial Motions/Legal Research	Review/edit draft motion for remand	0.45	\$270.00 USD
<b>Total</b>					<b>1.74</b>	<b>\$1,044.00 USD</b>
<b>Richman, Ben</b>						
12/03/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Exchanged e-mails w/ CB & JW re motion to dismiss.	0.20	\$105.00 USD
12/03/16	Class Action Cases	Brahamsha v. Supercell OY	Legal Research	Briefly reviewed JW's and RB's research re standing and remand in 3rd Circ.	0.50	\$262.50 USD
12/03/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Mot Practice/Settlement	Reviewed and analyzed motion to dismiss.	1.70	\$892.50 USD
12/05/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Exchanged e-mails w/ opposing counsel.	0.30	\$157.50 USD
12/06/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Exchanged e-mails w/ opposing counsel.	0.20	\$105.00 USD
12/07/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Exchanged e-mails w/ opposing counsel.	0.30	\$157.50 USD
12/07/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Discussion w/ MO re drafting motion to remand.	0.30	\$157.50 USD
12/07/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Exchanged e-mails w/ JW re preparing request to stay briefing on motion to dismiss.	0.40	\$210.00 USD
12/08/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Reviewed defense counsel's draft joint request and proposed statement regarding plaintiff's position on dismissal.	0.10	\$52.50 USD
12/08/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Exchanged e-mails w/ defense counsel re draft joint request.	0.10	\$52.50 USD
12/08/16	Class Action Cases	Brahamsha v. Supercell OY	Communications/Meetings/Court	Discussion w/ CB re edits to draft joint request.	0.10	\$52.50 USD
12/10/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Mot Practice/Settlement	Reviewed and revised draft request to stay briefing on motion to dismiss.	0.40	\$210.00 USD
12/10/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Mot Practice/Settlement	Reviewed and analyzed MO's and RP's draft motion to remand.	1.00	\$525.00 USD

	Client	Project	Task	Notes	Hours	Billed	Estimated Billing
12/13/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Mot Practice/Settlement	Reviewed and revised draft declaration in support of motion to remand.	0.40		\$210.00 USD
12/15/16	Class Action Cases	Brahamsha v. Supercell OY	Communica ions/Meetings/Court	Discussion w/ CB re finalizing motion to remand and request to stay briefing on motion to dismiss for filing.	0.10		\$52.50 USD
Total					6.10		\$3,202.50 USD
Wright, Jacob							
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED] [REDACTED]
12/03/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Briefs/Pre-Trial Motions/Legal Research	Research NJ standing law	0.50		\$167.50 USD
12/08/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Briefs/Pre-Trial Motions/Legal Research	Draft of letter re motion to remand	1.50		\$502.50 USD
12/09/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Briefs/Pre-Trial Motions/Legal Research	Edits to letter re motion to remand	1.00		\$335.00 USD
12/13/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Briefs/Pre-Trial Motions/Legal Research	Preparation of motion for remand and edits to letter	3.50		\$1,172.50 USD
12/13/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Briefs/Pre-Trial Motions/Legal Research	Review of motion for remand	2.00		\$670.00 USD
12/13/16	Class Action Cases	Brahamsha v. Supercell OY	Pleadings/Briefs/Pre-Trial Motions/Legal Research	Draft of declara ion in support of Motion for remand	1.00		\$335.00 USD
12/14/16	Class Action Cases	Brahamsha v. Supercell OY	Miscellaneous	Draft of notices to receive electronic filing	0.75		\$251.25 USD
Total					10.25		\$3,433.75 USD
ALL TOTAL					24.08		\$8,968.10 USD